

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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DATE FILED: 10/19/2021

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Consolidated Edison, Inc.,

Plaintiff,

-against-

Harleysville Worcester Insurance Co.,

Defendant.
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1:21-cv-07367 (ALC)

ORDER TO RESPOND

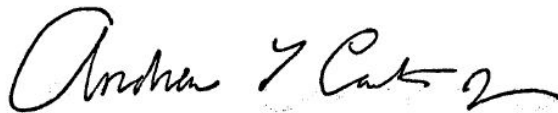
ANDREW L. CARTER, JR., United States District Judge:

The Court is in receipt of Defendant Harleysville Worcester Insurance Company's ("Defendant") pre-motion conference request in connection with its anticipated motion to dismiss the Amended Complaint under Fed. R. Civ. P. 12(b)(6), *see* ECF No. 15, and Plaintiff Consolidated Edison Company of New York, Inc.'s ("Plaintiff") response in opposition. *See* ECF No. 16. Plaintiff's letter indicates, *inter alia*, that "without prejudice and preserving the right to amend" it is "willing to dismiss everything Defendant asks for: Counts 2 and 3, and the claims for consequential damages and attorney's fees in Plaintiff's Prayer for Relief." *Id.* at 1. In doing so, Plaintiff states that "nothing" would be "standing in the way of Defendant filing its Answer." *Id.*

Accordingly, Defendant Harleysville Worcester Insurance Company is hereby **ORDERED TO RESPOND** to Plaintiff's response in opposition to its pre-motion conference request (ECF No. 16) no later than **October 22, 2021**.

SO ORDERED.

Dated: October 19, 2021
New York, New York



ANDREW L. CARTER, JR.
United States District Judge